

# FALSE CHOICES

## Vouchers, public schools, and our children's future

*Lessons from Milwaukee*



Jean-Claude Lejeune

### Vouchers and Accountability

Milwaukee's private voucher schools receive public tax dollars yet get to operate by different rules than public schools. Under Milwaukee's program, voucher schools:

- Do not have to administer the statewide tests required of public schools — or any assessments if they don't want to.
- Do not have to publicly release data such as test scores, attendance figures, racial breakdown of students, or suspension and drop-out rates.
- Do not have to provide the same services for special education students or students who do not speak English as their first language.
- Do not have to obey the state's open meetings and records laws.
- Do not have to hire certified teachers — or even require a college degree.
- Do not have to respect certain constitutional protections such as free speech, due process, and equal protection.
- Do not have to obey state law prohibiting discrimination on the basis of sex, sexual orientation and pregnancy, and marital or parental status.

## Introduction

Vouchers are the most important education controversy since the U.S. Supreme Court declared "separate but equal" schools unconstitutional in 1954 and ended Jim Crow schooling.

With the Supreme Court's decision Sept. 25, 2001 to rule on the constitutionality of providing public dollars to private religious schools, the issue has taken on increased importance. A ruling is expected in June of 2002.

Milwaukee has more than a decade of experience with vouchers, with almost 10,000 children receiving public dollars in 2000-2001 in order to attend private schools. And whenever someone comes up with a new voucher plan, they inevitably come to Milwaukee — long considered "ground zero" in the voucher movement.

This special report by *Rethinking Schools* highlights some of the problems with the voucher movement and the lessons that can be learned from Milwaukee.

Milwaukee began its voucher program in 1990. Cleveland began a similar program in 1995 and Florida started a small statewide program in 1999. The Cleveland program is the one being reviewed by the U.S. Supreme Court.

### CONSERVATIVES AND VOUCHERS

Conservatives have seized on undeniable problems in our public schools, particularly in urban areas. They are using vouchers and the seductive rhetoric of "choice" to further their goal of privatizing our schools and removing them from public oversight and responsibility.

There is an alternative to vouchers: building a quality public education system for all children.

We must invest in our public schools, not abandon them. Those truly interested in education reform need to focus on proven programs such as

improved teacher training, ongoing staff development, smaller classes, multicultural curricula, and adequate resources for all children in all schools. We must also address the problems afflicting our urban communities, such as poverty, unemployment, low wages, and inadequate healthcare.

It's not that our society doesn't know how to teach children, but that we do so unequally. It's not that we don't have good schools, but that they are clustered in affluent communities. It's not that we refuse to spend money on children, but that it is disproportionately spent on the already privileged.

The central issue facing public education is how we, as a society, choose to resolve these inequalities and provide sufficient resources so that all children attend quality public schools.

Money matters. Money alone is not sufficient for reform, but it is a prerequisite. It is immoral and unjust that our urban and rural schools tend to receive far fewer resources, even though they confront far more complicated problems.

Yet the conservative movement is trying to transform the issue from one of inequality and lack of resources to one of "choice."

Supporters of school vouchers are fond of extolling the positive aspects of private schools — but rarely mention the inevitable problems that surface when public funds are provided for private schools.

*Rethinking Schools* is pleased to publish *False Choices* and provide information rarely presented in the mainstream media. For more in-depth information on vouchers and for ongoing news updates, we encourage readers to visit our website: [www.rethinkingschools.org](http://www.rethinkingschools.org). ■

### MILWAUKEE VOUCHERS: KEY FACTS

**Milwaukee's voucher program is the oldest in the country. It began in 1990-91, and expanded in 1998-99 to include religious schools. A similar program exists in Cleveland and a small statewide program exists in Florida.**

**In the 2000-2001 school year, 9,638 Milwaukee students received vouchers, attending 103 private schools; 63 percent of the students attended religious schools. The voucher was worth a maximum of \$5,326 that year. The program is open to families at or below 175 percent of the federal poverty level.**

## Vouchers and Students With Special Needs

If your child has exceptional educational needs, speaks English as a second language, or requires transportation, you should be concerned.

Private schools are not required to provide the same level of special educational services as public schools. In 1998-99, the only year figures are available, only 3 percent of Milwaukee's voucher students had been previously identified as requiring special services, compared to about 15 percent of public school students. According to the Wisconsin Legislative Audit Bureau, voucher students who are eligible for special education services are more likely to receive services that are relatively low in cost, "such as those needed for children with speech and language disabilities or learning disabilities."

Further, only two of the 86 voucher schools studied in the report provided bilingual education and only about 38 percent provided transportation.

The Legislative Audit Bureau report, released in February 2000, is the only official overview of Milwaukee's voucher program. ■

## Vouchers and Academic Achievement

While vouchers have been presented as a way to provide educational opportunities for African-Americans and low-income students, no one knows how students in the private voucher schools in Milwaukee are performing academically.

The only official report on the existing program, by Wisconsin's non-partisan Legislative Audit Bureau, pointedly notes that "some hopes for the [voucher] program — most notably, that it would increase participating pupils' academic achievement — cannot be documented."

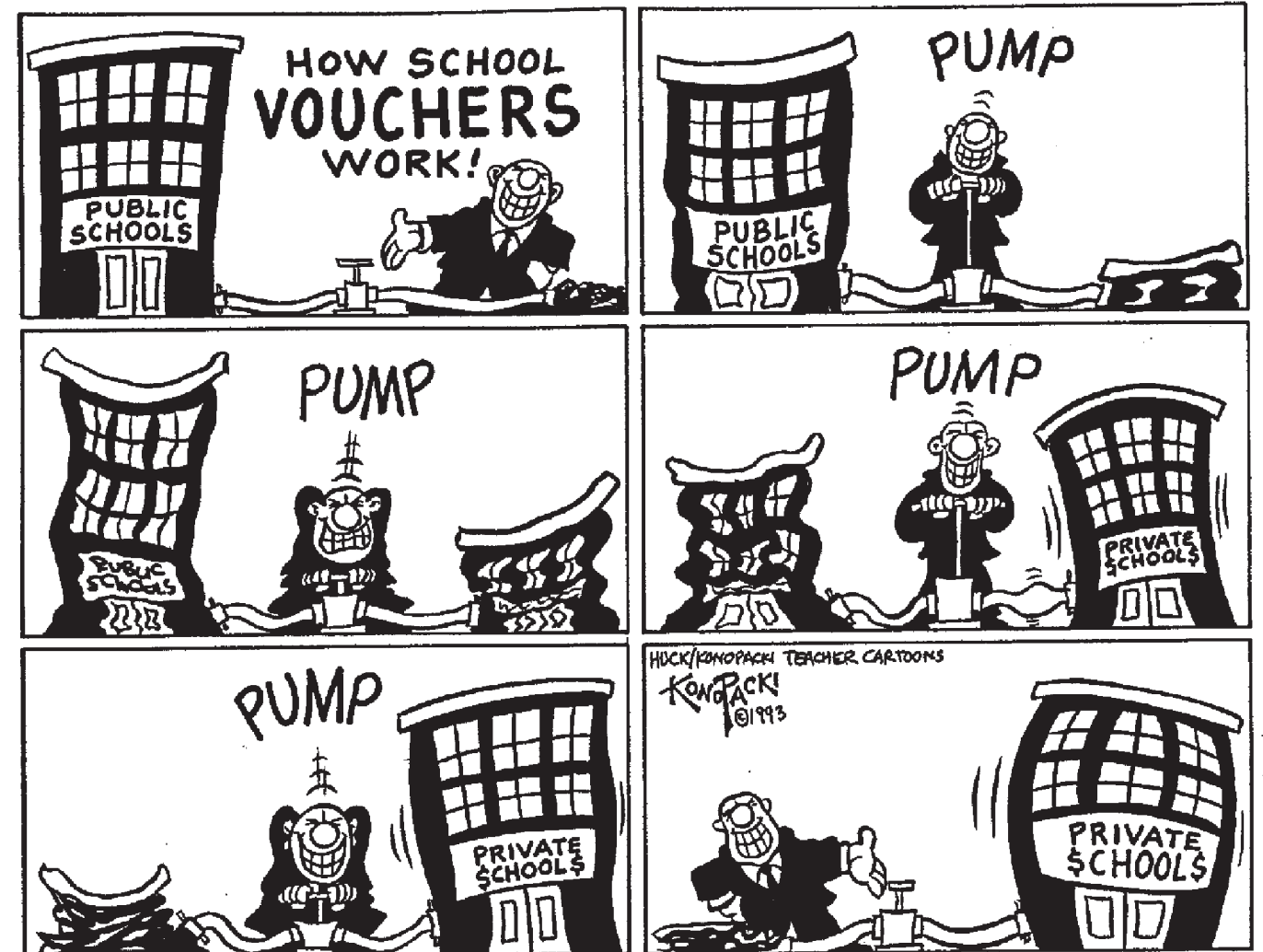
According to the February 2000 report, 28 percent of the voucher schools were either not accredited, not seeking accreditation, or not subject to any independent review of educational quality.

Catholic schools comprise the largest group of private schools in the Milwaukee voucher program. The one time the Archdiocese released even partially broken-down test scores, the findings showed that the Archdiocese's gap between white students and African-American and Latino students mirrored that of Milwaukee's public schools. ■

## Vouchers and Segregation

Some white parents in Milwaukee have historically used private schools to avoid public schools, in particular following court-ordered desegregation in the 1970s. It is difficult to determine if vouchers are exacerbating problems of segregation because voucher schools are not required to report the race of students in their schools.

What is known is not encouraging. The Milwaukee Public Schools, for instance, are approximately 61% African



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## Public Dollars and Private Schools: A Bad Mix

Tenasha Taylor, an African-American student at an elite private high school in the Milwaukee area, learned the hard way that private schools get to operate by different rules than public schools.

Taylor gave a speech on Black separatism in her English class at University School of Milwaukee. She also criticized the school as racist. Suspended and asked not to return to school the following fall, Taylor sued on grounds of free speech. She lost.

In his opinion, Federal Judge Terrence Evans wrote, "It is an elementary principle of constitutional law that the protections afforded by the Bill of Rights do not apply to private actors such as the University School. Generally, restrictions on constitutional rights that would be protected at a public high school ... need not be honored at a private high school."

Taylor's 1995 case took on new implications following the Wisconsin Supreme Court's decision in June 1998 upholding the constitutionality of Milwaukee's program that provides vouchers to private and religious schools. (Lower courts in Ohio have issued split rulings on the constitutionality of Cleveland's voucher program, and in September the U.S. Supreme Court agreed to take up the Cleveland case.)

What does it mean when private schools get public dollars yet don't

have to follow the same rules as public schools? The answer is particularly crucial in Milwaukee because 100% of a private school's students can be funded by vouchers — in other words,

**It's not mere coincidence that the term "private" is so often followed by the phrase, "Keep Out!" Private schools, like private roads and private country clubs, don't have to answer to the public. That's why they are called "private."**

the school doesn't have to have a single student who privately pays tuition — and the school still gets to call itself "private" and operate accordingly.

The legal issues are particularly complicated because religious schools can receive vouchers.

Under the First Amendment, the government is not to "entangle" itself in the running of religious institutions. Thus religious schools are exempt from many of the laws overseeing public schools. A religious school, for instance, can legally fire teachers who

violate the schools' views on religious principles — such as a gay teacher or a teacher who supports the right to abortion.

Will religious schools that receive publicly funded vouchers be allowed to follow practices that would be illegal or unacceptable in public schools?

Already, under Milwaukee's program, voucher schools:

- Do not have to obey the state's open meetings and records laws.
- Do not have to hire certified teachers or even require a college degree.
- Do not have to release information on employee wages or benefits.
- Do not have to administer the statewide tests required of public schools.
- Do not have to publicly release data such as test scores, attendance figures, or suspension, expulsion, and drop-out rates.

Milwaukee voucher schools also refused to sign a 1998 letter from Wisconsin's Department of Public Instruction asking that the schools comply with federal and state protections on issues such as free speech, due process, and non-discrimination based on gender, marital status, pregnancy, and sexual orientation.

The only safeguards are that the schools are prohibited from discriminating on the basis of race, color, or national origin. ■

**"The conservatives made me their poster girl as long as it appeared I was supporting their case. And now I am the odd person out. They want the religious schools to be tax-supported. Blacks and poor are being used to help legitimize them as the power group."**

Rep. Annette (Polly) Williams  
the African-American legislator from Milwaukee who  
for many years was the leading spokesperson for vouchers.  
Williams made the statement to *USA Today* in the Spring of 1999.

## Smaller Classes Versus Vouchers

Wisconsin provides a unique chance to compare two of the most popular educational reforms — vouchers for private schools versus smaller classes in public schools. Reports on both programs point to two conclusions:

- No one really knows how the children receiving vouchers are performing academically.
- Smaller classes have led to improved achievement, particularly for African-American students.

Beginning in 1996, Wisconsin funded a program known as Student Achievement Guarantee in Education (SAGE). The program lowers the student-teacher ratio in kindergarten through third grade classrooms in low-income schools to 15:1. It began with 30 schools in 21 districts and by the year 2000-01 served approximately 400 schools across the state.

According to the fourth-year report, SAGE students in third grade “showed significant improvement over their comparison school counterparts from the beginning of first grade to the end of third grade across all academic areas.”

The report also noted that African-American students, while still scoring lower than white students, were able to narrow the gap when in smaller classes. “Gains made by African American versus white students were significantly better in SAGE schools from the beginning of the first grade to the end of third grade,” the report notes. “The opposite pattern was observed in comparison schools,” where classes were larger or were of normal size.

A copy of the fourth-year report is available at: [www.uwm.edu/Dept/CERAI](http://www.uwm.edu/Dept/CERAI). ■



Jean-Claude Lejeune

## Why Vouchers Won't Fix Our Schools

*Following are “talking points” that summarize arguments against vouchers.*

- **Vouchers are a diversion.**

“Choice” sounds nice in theory but does nothing to address more pressing problems such as class size, teacher training, out-dated and overcrowded buildings, and inequitable funding.

- **Vouchers are taxation without representation.**

Vouchers funnel public dollars to private schools, yet taxpayers have little say in how voucher schools are run. Further, private schools do not necessarily have to meet the same accountability standards required of public schools.

- **Vouchers are based on the marketplace, not on the public good.**

Vouchers rest on the assumption that the marketplace holds the answer to complicated educational and social problems. This assumption has proven false in so many other key areas, such as health care, housing, and jobs. Ultimately, a marketplace approach always favors those with more money and resources.

- **Vouchers violate the separation of church and state.**

At a time when world events underscore the importance of church/state separation and respect for religious diversity, it is more important than ever that we abide by the constitutional safeguards that have guided this country for more than 200 years.

- **Vouchers are about privatization, not opportunity.**

Vouchers are at the heart of the right-wing attack on public institutions — an attack which seeks to reduce government responsibility for the good of all while maximizing government support for private and corporate gain.

- **Vouchers siphon off money needed by public schools.**

Lack of money is one of the biggest problems facing urban public schools. Vouchers make this problem worse. When tax dollars go to private schools, it inevitably reduces the public's willingness to shoulder increased taxes to pay for public schools.

- **Voucher schools can cream off “desirable” students and leave those they don't want for the public schools.**

In particular, private schools tend not to provide needed services for children with special educational needs or for children who speak English as a second language. Even in Milwaukee,

where schools are to select voucher students on a random basis, there are no safeguards to ensure that voucher students are not disproportionately kicked out of a school for academic or disciplinary reasons. Ultimately, it's the private school that chooses the student, not the other way around.

- **Private schools do not have to respect all the constitutional rights of students.**

Private schools, by their very nature, do not have to follow the same mandates as public schools. In Milwaukee, while voucher schools are prohibited from discriminating on the basis of race, color, or national origin, they do not have to follow constitutional guarantees in areas such as due process and free speech.

- **Vouchers stand in opposition to our democratic vision.**

Education is an essential prerequisite for full participation in society. Vouchers foster narrow self-interest, individual choice, and an escape mentality. Yet democracy, at its heart, is about working together for what is best for all children. ■

## Vouchers and Low-Income Students

Voucher proposals are routinely portrayed as a way to give low-income Blacks and Latinos the same chance as middle-class whites to choose a private school. Yet influential voucher proponents in Wisconsin have made no secret of their goal to institute vouchers for all children.

In an interview with *The Milwaukee Journal Sentinel* shortly after the Wisconsin Supreme Court upheld Milwaukee's voucher program in August 1998, for example, Milwaukee Mayor John Norquist said it was unfair that vouchers were limited to low-income families.

“As choice expands, the dissatisfaction with this income limit is going to become very acute,” he said.

Michael Joyce, former head of the conservative Lynde and Harry Bradley Foundation which has been a major funder of vouchers, has made clear that he would like to expand vouchers, telling *The Baltimore Sun* in 1996 that if a voucher system “is a good public policy for the poor, why isn't it good public policy for middle or high-income wage earners?”

Professor John Witte of the University of Wisconsin-Madison, who did the original research on the Milwaukee voucher program, argues that those benefiting most by an expanded voucher program would be “white, upper-middle class families who probably would have attended private schools anyway.” ■

## Resources

**American Civil Liberties Union**, 125 Broad St., New York, NY 10004. 212-549-2500. Website: [www.aclu.org](http://www.aclu.org).

**American Federation of Teachers**, Dan Murphy, Office of the President, 555 New Jersey Ave., NW, Washington, DC 20001. 202-393-6325. Website: [www.aft.org](http://www.aft.org)

**Americans United For Separation of Church and State**, 1816 Jefferson Place, NW, Washington, DC 20036. 202-466-3234. Website: [www.au.org](http://www.au.org)

**Cleveland Teachers Union**, Attn. Michael Charney or Meryl Johnson, 1370 W. Sixth St., Cleveland, OH 44113. 216-861-7676.

**National Association for the Advancement of Colored People**, 4805 Mt. Hope Dr., Baltimore, MD 21215. 410-358-8900. Website: [www.naacp.org](http://www.naacp.org)

**National Education Association, Office for Public Education Advocacy**, 1201 16th St., NW, Washington, DC 20036. 202-822-7446. Website: [www.nea.org](http://www.nea.org)

**People for the American Way Foundation**, 2000 M. St., NW, Suite 400, Washington, DC 20036. 202-467-4999. Website: [www.pfaw.org](http://www.pfaw.org)

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**Rethinking Schools** has an 88-page booklet, *Selling Out Our Schools: Vouchers, Markets, and the Future of Public Education*, for \$8.50 (includes S&H). Call 1-800-669-4192. We also have ongoing information on vouchers at our website: [www.rethinkingschools.org](http://www.rethinkingschools.org).

**“We have to be careful not to succumb to this nonsense that a public system is inherently flawed and that therefore we have to turn to the marketplace for solutions.**

**“I've never in my entire life seen any evidence that the competitive free market, unrestricted, without a strong counterpoise within the public sector, will ever dispense decent medical care, sanitation, transportation, or education to the people.**

**“It's as simple as that.”**

Jonathan Kozol  
Author of *Savage Inequalities* and other books on education.

# Who's Bankrolling Vouchers?

There are some very wealthy folks out there — many of whom work together — who fuel America's pro-voucher movement. Some names for your file:

1. Wal-Mart heir **John Walton**, the movement's most prolific giver, gave seed money to the pro-voucher group CEO America and \$2 million to Michigan's 2000 voucher ballot initiative. Walton bankrolls a massive private voucher program along with financier Ted Forstmann and runs a charter school management company. And through the Walton Family Foundation, Walton supports advocacy groups, think tanks, and legal nonprofits that promote vouchers and tax credits.

2. Financier **Ted Forstmann** recently funded a multimillion-dollar ad campaign attacking public education. Forstmann wants to scrap public schools in favor of an ATM-like system that would dispense taxpayer-funded vouchers for tuition at schools run by anyone who wanted to start one.

3. Silicon Valley venture capitalist **Tim Draper** spent more than \$26 million last year on an unpopular California initiative — defeated by a 70-30 margin — to give publicly funded vouchers to children from even the wealthiest families.

4. Alticor Inc. President **Dick DeVos** directed the 2000 Michigan voucher initiative and, with family members, spent \$5 million on this measure — which voters rejected by a 70-30 margin. DeVos and his wife, Betsy, are continuing their anti-public education assault through a new non-profit organization that promotes a skewed report claiming that 90 percent of Michigan's public schools are failing.

5. **The Lynde and Harry Bradley Foundation** in Milwaukee makes generous gifts to provide a reliable funding stream for vouchers, from courtroom to the classroom. Among the beneficiaries of the Bradley Foundation's largesse: Milwaukee's privately funded voucher program, Harvard researcher Paul Peterson, and the Institute for Justice, a pro-voucher legal defense group.

6. Texan **James Leininger** has poured money into political campaigns to promote a conservative agenda that includes vouchers. Leininger provides the bulk of the funding for the Horizon program in Texas, a privately funded voucher program that's draining money from San Antonio's Edgewood public schools.

7. Insurance company executive **J. Patrick Rooney**, the founder of an early privately funded voucher program, went national after unsuccessful attempts to push vouchers in his home state of Indiana. Rooney has been a key figure in several pro-voucher groups, including CEO America, the American Education Reform Council, and the

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Greater Educational Opportunities Foundation.

8. Economist **Milton Friedman** uses his modest-sized foundation to supplement his four decades of voucher advocacy. Friedman supports ad campaigns, conferences and publications, think tanks, and advocacy groups to promote public school "alternatives."

9. **Richard Mellon Scaife** exerts his financial reach through four family foundations. Scaife, who joined other voucher regulars in supporting the 1993 California voucher initiative, provides core support for think tanks and advocacy groups, private organizations that offer vouchers, and public interest law firms that promote vouchers and tuition tax credits.

10. In 2000, the voucher movement found itself new benefactors. Univision CEO **Jerrold Perenchio** gave more than \$1 million to the California voucher initiative. Former Circuit City CEO **Richard Sharp** gave \$100,000 to both the California and Michigan initiatives. Michigan's big-giver list included Wolverine Gas & Oil CEO **Sidney Jansma**, at \$470,000; Domino's Pizza founder **Thomas Monaghan**, \$350,000; and the computer company **Compuware**, \$361,000.

*The above is reprinted from the May 2001 issue of NEA Today, publication of the National Education Association.*

## Vouchers, Wisconsin, and The Bradley Foundation

Within Wisconsin, it's difficult to find a non-profit voucher group that hasn't received significant Bradley money. For example:

- The Institute for the Transformation of Learning, led by former MPS Superintendent Howard Fuller, has been granted approximately \$1.5 million by Bradley from 1996-2000.
- Partners Advancing Values in Education, a pro-voucher private scholarship group in Milwaukee, has received almost \$10 million from Bradley over the years.
- Brother Bob Smith of Messmer High School received \$31,500 in 1999 as a member of the Bradley Board of Directors. Messmer Preparatory Catholic School received a \$1 million grant in 2000, while Messmer High School was granted \$1.6 million from 1997-1999.
- The Black Research Organization, started by Mikel Holt of the *Community Journal* (a Black newspaper in the city), received a total of \$319,000 in 1995 and 1996.

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We stress a grassroots perspective combining theory and practice and linking classroom issues to broader policy concerns. We are an activist publication and encourage teachers, parents, and students to become involved in building quality public schools for all children.

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